

City of Bloomington, Minnesota
DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE:	10967A-15
APPLICANT:	Joseph and Catherine Coggin (owner) Decatur Homeowners Association (user)
LOCATION:	9713 Cavell Avenue South
REQUESTS:	Variance to locate an 8 foot by 10 foot accessory structure between the principal structure and a public street

FINDINGS OF THE HEARING EXAMINER

Variance Findings – Section 2.98.01 (b)(2)(A-C)

- A) That the variance is in harmony with the general purposes and intent of the ordinance;**
- The requested variance to locate an accessory structure between the principal dwelling and the street is not in conflict with the general purpose and intent of the City Code to promote compatibility in neighborhoods. The boulevard along Bloomington Ferry Road in this location is over 105 feet. The requested variance is not anticipated to negatively impact abutting properties. The variances are in harmony with the general purposes and intent of the ordinance.
- B) That the variance is consistent with the comprehensive plan;**
- The variances are consistent with the Comprehensive Plan's designation of Medium Density Residential for the property.
- C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.**
- The applicant does have a practical difficulty in complying with the zoning ordinance. The design of the units and the location of the water main limit the areas where the irrigation system could be housed. Without the granting of the variances, there would not be a suitable location to store the accessory building. Since the property owner does not have a rear yard and there is a 105 foot wide boulevard, the location is a reasonable location to place the shed.

Practical difficulties as used in connection with the granting of the variance, means that:

- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;**
- The installation of the irrigation system for the 116 unit townhouse development is a reasonable request. The layout of the units creates difficulty in locating the irrigation equipment in a reasonable location. Locating an accessory structure between the principal dwelling and the street where the 105 foot boulevard exists is a reasonable request.

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- (ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and**
- The lot configuration restricts the options for structure to house the irrigation system. The lot configuration and layout of the existing dwelling were not created by the property owner.
- (iii) The variance if granted will not alter the essential character of the locality.**
- The variance is in harmony with the general purposes and intent of the ordinance. Given the mature nature of the neighborhood, existing tree canopy and screening and the 105 foot boulevard, the accessory structure is compatible with nearby homes and is not anticipated to alter the character of the neighborhood.

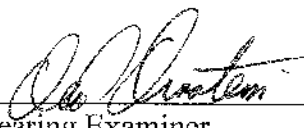
RECOMMENDED CITY COUNCIL ACTION

In Case 10967A-15, staff recommends City Council approval of a variance to locate an 8 foot by 10 foot accessory structure between the principal structure and the street for the following reasons:

- 1) The granting of the variances would not unduly interfere with the general intent and purpose of the Ordinance.
- 2) There is adequate separation between structures.
- 3) The granting of the variances would not adversely affect the health, safety and general welfare of the residents or the public.

And subject to the following conditions:

- 1) The variance must be limited to the accessory structure indicated in Case File 10967A-15.
- 2) The accessory structure must be moved 6 inches to the west so that it does not interfere with the drainage and utility easement.
- 3) Exterior building materials must be consistent with those used on the dwelling.



 Hearing Examiner
 October 27, 2015